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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,915	08/29/2003	Fumiaki Kobayashi	1247-0519P	7982
2292 7590 07/22/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER CHOL, EUNSOOK				
ART UNIT 2619		PAPER NUMBER		
NOTIFICATION DATE 07/22/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary**Application No.**

10/650,915

Applicant(s)

KOBAYASHI, FUMIAKI

Examiner

EUNSOOK CHOI

Art Unit

2619

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 2,4-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: Claim 12 recites "communication terminal" with missing "the". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner (DE10114950) in view of Moon et al. (US Patent 6195686).

Regarding claim 1, Werner teaches input means for inputting short message data (Fig. 1 - FAX, Abstract -transmitting short messages that have been input to the fax machine), communicating means that is connected to the public line network (It is well known in the art that FAX machines are connected to the public line network), for communicating with the center apparatus (Fig. 1 – SMSCF), controlling means for controlling the communicating means so as to send short message data to the center apparatus when sending the inputted short message data, and to receive short message data from the center apparatus when receiving the short message data (Fig. 1, sends/receives short messages between FAX and SMSCF). However, Werner does not teach storing means for storing a plurality of center apparatuses and communication protocol information for each of the plurality of center apparatus to be

used for communications of the communicating means, selecting means for selecting a center apparatus to be communicated with among the center apparatuses whose communication protocol information is stored, based on a predetermined condition, and controlling means based on the communication protocol information of the center apparatus selected by the selecting means. Moon teaches storing means for storing a plurality of center apparatuses (**Col. 4 Line 61 different mail service providers**) and communication protocol information for each of the plurality of center apparatus to be used for communications of the communicating means (**Col. 4 Lines 58-62, the mail sink module 28 includes a plurality of sink protocols, e.g., SMS SMTP, with each sink protocol relating to a different mail server or mail service provider**), selecting means for selecting a center apparatus to be communicated with among the center apparatuses whose communication protocol information is stored, based on a predetermined condition (**Col. 4 Lines 63-65 the mail sink module 28 chooses the appropriate sink protocol for the outgoing mail parcel, applies it to the outgoing mail parcel and transmits the mail parcel to the selected mail server of the selected mail service provider**), and controlling means based on the communication protocol information of the center apparatus selected by the selecting means (**Fig. 5 and Fig. 6**). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have storing means for storing a plurality of center apparatuses and communication protocol information for each of the plurality of center apparatus to be used for communications of the communicating means, selecting means for selecting a center apparatus to be communicated with among the center

apparatuses whose communication protocol information is stored, based on a predetermined condition, and controlling means based on the communication protocol information of the center apparatus selected by the selecting means in order to provide the capability of interfacing with a plurality of mail servers utilized by different mail service providers (Col. 3 Lines 8-11, Moon).

Regarding claim 3, Werner and Moon teach the limitations for claim 1 as applied above. Moon teaches instructing a center apparatus to be communicated with, wherein the selecting means selects the center apparatus based on instruction of the instructing means (**Fig. 3, Col. 4 Lines 58-65 mail sink module 28 chooses the appropriate sink protocol for the outgoing mail parcel, applies it to the outgoing mail parcel and transmits the mail parcel to the selected mail server of the selected mail service provider**).

Regarding claim 8, Werner and Moon teach the limitations for claim 1 as applied above. Werner teaches at least one of displaying means for displaying received short message data, and printing means for printing received short message data (**Abstract, A protocol stack is implemented in the fax machine that processes short messages to output into the fax machine**).

Regarding claim 9, Werner and Moon teach the limitations for claim 1 as applied above. Moon teaches the communication terminal transmits the short message data over a Public Switchboard Telephone Network (**Col. 4 Lines 2-3**, telephone network 20 may be a cellular network, **PSTN** or IRDA network).

Regarding claim 10, Werner and Moon teach the limitations for claim 1 as applied above. Moon teaches the communication terminal transmits the short message data over a switched circuit network (**Col. 4 Lines 2-3**, telephone network 20 may be a cellular network, **PSTN** or IRDA network).

Regarding claims 11 and 12, Werner and Moon teach the limitations for claim 1 as applied above. Werner teaches the short message data is created at the communication terminal (**Abstract, input to the fax machine**).

Allowable Subject Matter

4. Claims 2, 4, 5, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments, filed 12/28/2007, with respect to the rejection(s) of claim(s) 1-8 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new ground(s) of rejection is made in view of Werner and Moon.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNSOOK CHOI whose telephone number is (571)270-1822. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EC

7/14/2008

/CHAU T. NGUYEN/

Supervisory Patent Examiner, Art Unit 2619